

3707. Adulteration and misbranding of pomegranate sirup and sambuca, and misbranding of vermouth. U. S. v. 3 Cases of Liquors or Beverages. Default decree of condemnation and forfeiture. Case of sambuca ordered destroyed. Case of pomegranate sirup ordered sold. (F. & D. No. 5885. I. S. Nos. 26521-h, 26522-h, 26523-h. S. No. E-98.)

On August 28, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases of liquors or beverages, one of which contained pomegranate sirup, another sambuca, and the third vermouth, remaining unsold in the original unbroken packages at Harrison, N. J., alleging that the product had been shipped on or about July 24, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The pomegranate sirup was labeled: (On case) (Wood case) (Adams Express Co. collect sticker form block 952-A showing transfer of 3 piece shipment) "34 Dominico Notte, 25 Cleveland Ave., Harrison, N. J." (2 sides) "Granatina." (2 ends) (Been scraped, old box). (On retail packages) (Foreign appearing coat of arms). "Scioppo Granatina" (Gold scroll and fern spray).

Adulteration of this product was alleged in the libel for the reason that a substance—to wit, artificially flavored and colored sugar sirup—had been substituted for pomegranate sirup in such manner as to reduce and lower its quality and strength, and, further, for the reason that a substance—to wit, artificially flavored and colored sugar sirup—had been substituted wholly or in part for pomegranate sirup. Misbranding was alleged for the reason that the labels on the bottles containing the product, having the name thereof printed in Italian, without a statement that the product was made in America, were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

The case containing the sambuca was labeled: (Wood case) (Adams Express Co. collect sticker form block 952-A showing transfer of 3 piece shipment) (One end) "Sambuca." (Other end) (Plain) (One side) "Milan Importing Co." (Other side) "Fragile." The retail packages in this case were labeled: (Neck band) "Milan Importing Co." (On shoulder sticker in very small type) "Purity guaranteed by Milan Importing Company under the Pure Food and Drugs Act June 30th, 1906, Serial No. 58417. Made in New York." (Principal label) "Sambuca Extra Fina Panorama di Napoli." (Harbor of Naples with volcano in background surrounded by numerous foreign appearing medals) (Foreign coat of arms) "Milan Importing Co. New York. Sambuca Extra Fine."

Adulteration of this product was alleged in the libel for the reason that a substance—to wit, methyl alcohol—had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance—to wit, methyl alcohol—had been substituted wholly or in part for ethyl alcohol, and, further, for the reason that the product contained a deleterious ingredient—to wit, methyl alcohol—which might render the same injurious to health. Misbranding was alleged for the reason that the labels on the bottles containing the product, bearing pictorial representations of medals of award, a bay, a smoking volcano, etc. and the words "Sambuca Extra Fina Panorama di Napoli," were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

The retail packages of vermouth were labeled: (On neck band in very small type) "Liquid contents thirty one ounces, 18% alcohol by volume, artificially colored. Purity guaranteed by Milan Importing Co. under the Pure Food and Drugs Act June 30th, 1906, Serial number 58417. Made in New York." (Shoulder label) "Extra." (Principal label) (The entire label profusely embellished with a mass of foreign flags, crowns, coats of arms, foreign appearing medals, foreign figures, scrolls, etc.) "Vino Vermouth di Torino."

Misbranding of this product was alleged in the libel for the reason that the labels on the bottles containing the same, bearing pictorial representations of medals of award, foreign flags, etc., were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered as to two cases of the product and it was ordered by the court that the case of sambuca should be destroyed by the United States marshal, and that the case of pomegranate sirup should be sold by the United States marshal. The case of vermouth was not attached by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*